

**HAMRE, SCHUMANN,
MUELLER & LARSON, P.C.**
AN INTERNATIONAL INTELLECTUAL PROPERTY LAW FIRM

FAX TRANSMISSION September 15, 2008

TO: Mail Stop: ISSUE FEE
Examiner: A. LAVARIAS
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

FROM: Douglas P. Mueller

OUR REF: 14434.0092USWO

TELEPHONE: (612) 455.3800

Total pages, including cover letter: 4

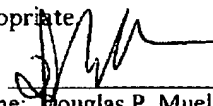
PTO FAX NUMBER: 571.273.2885

If all pages are NOT received, please call us at 612.455.3800 or fax us at 612.455.3801.

Title of Document: **Communication Regarding Prior Art (2 pgs); Copy of Original
Postcard Receipt, dated December 20, 2005 (1 pg)**

Applicant: MIYAZAKI et al.
Serial No.: 10/561,489
App. Filed: March 15, 2006
Group Art No.: 2872
Con. No.: 6312

Please charge any additional fees or credit overpayment to Deposit Account No. 50-9478. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By: 
Name: Douglas P. Mueller
Reg. No.: 30,300

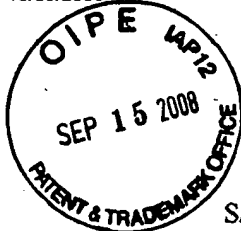
I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Mele Kaufman


Signature

September 15, 2008
Date

225 SOUTH SIXTH STREET, SUITE 2650 • MINNEAPOLIS • MN 55402
TEL 612.455.3800 • FAX 612.455.3801
WWW.HSMIL.COM • MAIL@HSMIL.COM



S/N 10/561,489

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------|--|-----------------|----------------|
| Applicant: | MIYAZAKI et al. | Examiner: | A. LAVARIAS |
| Serial No.: | 10/561,489 | Group Art Unit: | 2872 |
| Filed: | March 15, 2006 | Docket No.: | 14434.0092USWO |
| Title: | LIGHT DIFFRACTION METHOD AND DIFFRACTION DEVICE, DIFFRACTION GRATING USED FOR THEM, AND POSITION ENCODING DEVICE | | |

CERTIFICATE UNDER 37 CFR 1.6(d):

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on September 15, 2008.

By: 

Name: Mele Cauffman

COMMUNICATION REGARDING PRIOR ART

Mail Stop: ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Commissioner:

This is in response to the Communication mailed September 5, 2008 regarding the Information Disclosure Statement. Applicants initially filed an Information Disclosure Statement December 20, 2005, along with 4 references. The Notice of Allowance, dated August 7, 2008, did not acknowledge two non-patent literature documents. A Communication was filed August 14, 2008 in which the non-considered references were re-submitted. Applicants respectfully request consideration of the two non-patent literature documents, as they were first submitted with the initial filing of the application, where a statement under 37 CFR 1.97(e) or a fee set forth in 37 CFR 1.17(p) was not required. A copy of the original postcard receipt, dated December 20, 2005 is included with this communication, which indicates the Information Disclosure Statement and 4 references were filed with the application.



Applicants request confirmation that the references have been considered.



Dated: September 15, 2008

Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &
LARSON, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902
(612) 455-3800

By: 

Douglas P. Mueller
Reg. No. 30,300
DPM/mkc

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Applicant: MIYAZAKI et al.

Title: LIGHT DIFFRACTION METHOD AND DIFFRACTION DEVICE, DIFFRACTION GRATING USED FOR THEM, AND POSITION ENCODING DEVICE

Docket: 14434.92USWO

Express Mail No.: ED 775296325 US

Date of Deposit: DECEMBER 20, 2005

10/561489

- ☒ Transmittal sheet, in duplicate, containing Certificate under 37 CFR 1.10.
- ☒ National Stage PCT Patent Application: Spec. 41 pgs; 15 claims; Abstract- 1 pg.
The fee has been calculated as shown below in the 'Claims as Filed' table.
- ☒ 12 sheets of formal drawings
- ☒ Check in the amount of \$1200.00 to cover the Filing Fee.
- ☒ Information Disclosure Statement, Form 1449, 4 reference(s).
- ☒ Application Data Sheet, 4 pages.
- ☒ Other: Form PTO-1390, Preliminary Amendment, WO 2005/003823 A1, copy of the International Application is filed, translation of the International application into English, Communication re: Requested Figure, copy of International Search Report (Form PCT/ISA/210) in English and Japanese language, PCT Request (in Japanese language), Form PCT/IB/301, Form PCT/IB/304, Form PCT/IB/308 (2).
- ☒ Return postcard

Patent

DPM:nel

IAP3 Rec'd PCT/PTO 20 DEC 2005

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